

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUBEL ROYBAL,

Plaintiff,

vs.

No. CIV 08-0181 JB/LFG

CITY OF ALBUQUERQUE, YVONNE MARTINEZ,
DENNIS TAFOYA, GEORGE TRUJILLO,
PETER DWYER, LORRAINE SADLER-LOPEZ,
City of Albuquerque Police Officers,

Defendants.

MEMORANDUM OPINION AND ORDER

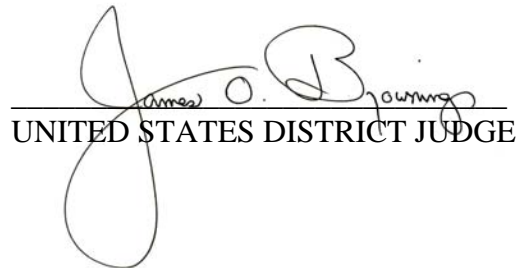
THIS MATTER comes before the Court on the Plaintiff's Motion in Limine II to Exclude All References to Prior Causes of Action, Claims, Cases, or Awards, filed June 8, 2009 (Doc. 67)("Motion"). The Court held a hearing on June 12, 2009. The primary issue is whether any of the parties in this case should be allowed to refer to prior litigation during the trial. Because the parties agree that neither side should be allowed to make such references during the trial and that the motion should be granted on these terms, the Court will grant the motion.

Plaintiff Rubel Roybal moves in limine to prevent the Defendants from referring to the previous lawsuit of Mr. Roybal's wife, Mary Roybal, which arose out of the same incidents at issue in this case, to the damages awarded in her favor, or to her later overturned battery conviction that also arose out of the same underlying incidents in this case. Mr. Roybal expresses his objection "to any and all of Defendant's references or questioning to all outside cases, causes of action, judgments, awards, or jury verdicts, beyond the one to be decided by these fact-finders, in this specific cause of action." Motion at 4. In response, the Defendants state that they have no intention

of arguing that Mrs. Roybal's case was relevant in any way and that Mr. Roybal should similarly be precluded from arguing to the jury that Mrs. Roybal's award indicates that the jury here should follow suit. See Response to Plaintiff's Motion in Limine II, filed June 11, 2009 (Doc. 78).

At the hearing, the parties informed the Court that they agreed that neither side should be allowed to mention any of the prior litigation involving Mrs. Roybal or its outcome. Based upon the parties' agreement, which the Court believes is appropriate, the Court will grant Mr. Roybal's motion. The Court's order will apply equally to all parties. Neither side will be allowed to refer to Mrs. Roybal's case, the judgment entered in that case, or similar litigation-related issues from Mrs. Roybal's case.

IT IS ORDERED the Plaintiff's Motion in Limine II to Exclude All References to Prior Causes of Action, Claims, Cases, or Awards is granted.



UNITED STATES DISTRICT JUDGE

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